GOVERNMENT OF INDIA
PERSONNEL,PUBLIC GRIEVANCES AND PENSIONS
LOK SABHA

UNSTARRED QUESTION NO:5483
ANSWERED ON:29.04.2003
FALSE COMPLAINTS OF OFFICIALS
SHEESH RAM SINGH RAVI

Will the Minister of PERSONNEL,PUBLIC GRIEVANCES AND PENSIONS be pleased to state:

(a) whether anyone who makes a false complaint of official is liable to be prosecuted under section 182 of IPC;

(b) if so, the details in this regard;

(c) whether Central Vigilance Commissioner has written to the Cabinet Secretary and Secretary (Personnel) for taking greater care before ordering the suspension of officials;

(d) if so, the details thereof; and

(e) the steps taken by the Government to protect the honest officials?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF PERS(PUBLIC GRIEVANCES AND PENSIONS. (SHRI HARIN PATHAK)

(a) & (b): Section 182 of the Indian Penal Code provides for prosecution of anyone who gives false information to a public servant with intent to cause public servant to use his lawful power to the injury of another person.

(c) & (d): The Central Vigilance Commissioner in March, 2002 had suggested that the CVC may be consulted by the concerned authorities before placing a Government Servant under suspension on grounds of corruption. The CVC had stated that the Commission would give its advice within 3 working days indicating whether suspension was justified and if no reply was received within the three days it could be taken that the Commission had no objection to the suspension. In cases where suspension has to be resorted immediately, the Commission had suggested that a reference be made to it within 24 hours of suspension and if the CVC did not agree, the suspended person should be reinstated.

(e): The following measures are available for protection of honest officials:-

(i) CVC has issued instruction that no action should be taken on any anonymous and pseudonymous complaints;

(ii) Section 19 of the Prevention of Corruption Act, 1988 and Section 197 of the Criminal Procedure Code require that the investigating agency has to seek prior sanction from the concerned Ministry/Department before initiation of prosecution against public servants; and

(iii) The disciplinary authorities consult the Central Vigilance Commission and Union Public Service Commission, before imposition of penalty in disciplinary proceedings.